

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

CANDY KELLY, an individual, and  
DAVID MICHAEL KELLY, an  
individual,

Plaintiffs,

v.

EVERETT R. ECHOLS, M.D., an  
individual; TOM A. CHAPMAN, an  
individual; EZ RX, an unknown business  
entity, QUALITEST  
PHARMACEUTICALS, INC., a domestic  
corporation, and DOES 1-10, inclusive,

Defendants.

CIV- F-99-6443 AWI SMS

ORDER VACATING  
HEARING DATE OF  
JUNE 13, 2005, AND TAKING  
MATTER UNDER  
SUBMISSION

Defendant, QUALITEST PHARMACEUTICALS, Inc., has noticed for hearing and decision a multi-faceted Rule 12(b) motion to dismiss and motion to strike. The matter was scheduled for hearing to be held on June 13, 2005. The court has reviewed the moving papers and has determined that this matter is suitable for decision without oral argument. Local Rule 78-230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of June 13, 2005, is VACATED, and the parties shall not appear at that time. As of June 13, 2005, the Court will take the matter under submission and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: June 8, 2005  
Om8i78

/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE